



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/856,311 | 08/21/2001 | Claude Barlier | CIRTES2 | 6577 |
| 7590 | 11/21/2003 | | EXAMINER | |
| Gary M Cohen Strafford Building Number Three 125 Strafford Avenue Suite 300 Wayne, PA 19087-3318 | | | AFTERGUT, JEFF H | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1733 | |

DATE MAILED: 11/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/856,311

Applicant(s)

BARLIER, CLAUDE

Examiner

Jeff H. Aftergut

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 9-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 9-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feygin in view of Kinzie or alternatively Kinzie in view of Feygin either of which is further taken with either one of Thomas et al or Weaver.

The references to Kinzie, Feygin, Thomas and Weaver are all discussed in detail in the Office action mailed 3-17-03. the applicant is referred to the same for a complete discussion of the references. The reference to Kinzie clearly formed a three dimensional part from a plurality of laminations wherein the waste material was separated from the laminations subsequent to the lamination operation in order to provide the specified three dimensional part. While the reference to Feygin may have intended the portions 156, 154 to have been part of the finished assembly for the particular three dimensional part so formed (such as a mold), the reference was generic to any kind of three dimensional shape desired. The ordinary artisan would have readily understood that the formation of a shape such as that of a three dimensional object which was a solid object by itself would have been obvious in light of Kinzie who formed various three dimensional shapes from the laminations alone where solid shapes were included as part of the finished assembly and the cut out portion was completely separated from the remainder of the three dimensional object. As the reference to Feygin was generic in the description of the type of three dimensional object being formed, it would have been obvious to one of ordinary skill in the art at

Art Unit: 1733

the time the invention was made to form a solid three dimensional object such as proposed by Kinzie utilizing the process of Feygin wherein the portions 158 were completely removed to form a separate three dimensional part from the remaining waste portions. Additionally, it would have been obvious to one of ordinary skill in the art to employ the alignment arrangement of Feygin in the operation of Kinzie (such as described with reference to Figure 13) as such would have afforded one flexibility in design and allowed for proper alignment of the pieces. The references to either one of Thomas et al or Weaver being cited for the same reasons as previously submitted (the use of pins and/or bolts to align the laminations. The applicant is referred to the Office action dated 3-17-03 for a complete discussion of the dependent claims (see paragraph no. 5 of the Office Action dated 3-17-03).

Response to Arguments

3. Applicant's arguments with respect to claims 9-23 have been considered but are moot in view of the new ground(s) of rejection.

The applicant argues that the reference to Feygin did not envision complete separation of the parts 154, 156 in the formation of the three dimensional object 22 defined therein. The applicant is advised that it is not clear whether the reference envisioned complete separation of the parts or not, however, it did clearly envision the use of bridging portions 158 in the lamination which were capable of being removed to form a three dimensional part with non-contiguous portions, see column 10, lines 67-column 11, line 5. the reference to Feygin clearly provided one with the ability of remove portions 158 in the manufacture of the three dimensional objects wherein the same was a bridge as defined. The only question regarding Feygin is whether the patentee intended for the portions 154 and 156 to be completely separated in the finished

Art Unit: 1733

assembly. It would appear from the generic description of the operation (say at column 2, lines 36-60) that the reference included formation of solid three-dimensional objects wherein the exterior portions were waste and were removed from the finished object. However, to further evidence that those skilled in the art of manufacturing a three dimensional object would have known that it was desirable to form a solid three dimensional object from laminations where the excess material was separated from the three dimensional object, the reference to Kinzie is cited (previously cited and optionally applied against the claims). The reference to Kinzie clearly removed the excess material as described at column 8, lines 30-59 for example. Certainly, to form a three dimensional object wherein the material disposed about the lamination was waste and was completely separated from the desired three dimensional object would have been obvious to those of ordinary skill in the art as a function of the shape of the three dimensional object one wished to manufacture. Additionally, it employs the alignment means of Feygin in Kinzie would have been within the purview of the ordinary artisan.

Regarding the references to Thomas et al or Weaver, the applicant did not dispute that these references suggested the securing of the laminations in the manner described in the office action. It is therefore believed that applicant agrees with the Office interpretation of these references. Additionally, the shape of the opening which was used for the alignment (whether it was circular, rectangular, or triangular) was taken as within the purview of the ordinary artisan and was a function of the shape of the alignment pin. Applicant did not dispute this statement in the first Office action and therefore it is believed that applicant agrees with the same.

No claims are allowed.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff H. Aftergut whose telephone number is 703-308-2069. After December 18, 2003, the examiner can be reached at 571-272-1212. The examiner can normally be reached on Monday-Friday 6:30-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 703-308-3853. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.


Jeff H. Aftergut

Application/Control Number: 09/856,311

Page 6

Art Unit: 1733

Primary Examiner

Art Unit 1733

JHA

November 18, 2003